

Eastham Conservation Commission

2500 State Highway
Eastham, MA 02642
508-240-5900



AGENDA

Conservation Commission Meeting 6:00 P.M, Tuesday, August 24, 2021.

Commissioners Present: Charles Wagner, Karen Strauss, Sheila Filipowski, Janet Benjamins, Thomas Durkin.

Staff Present: Charles Katuska

Also Present: Ben Zehnder, John O'Reilly, TJ Hurry, Mr. Simpson, Ed Cascarilla, Tim Brady, Linda Ravesi, Ms. Gau.

6:00 PM Meeting opened by Sheila Filipowski and executed roll call.

BENJAMINS - YEA

DURKIN - YEA

STRAUSS – YEA

WAGNER - YEA

FILIPOWSKI - YEA

PUBLIC HEARINGS

Continuation of Notice of Intent filed by Steven and Cathy Sanders. Applicant proposes to improve existing right of way at property located at 670 State Highway, Map 21, Parcel 066.

Ben Zehnder and John O'Reilly represented the applicant. John O'Reilly explained the plan changes and discussed the reduction of the walkway, path location within right of way, adjusted notes and updated coverages, added footpath, add detail concerning connection from the roof to drywell, clarified notes concerning the 4 foot pathway, and repairs and improvements to building and a adjusted limit of work line.

A Commissioner stated they appreciate and respects the work the Representative has done.

The Commissioner stated that the fish shack, the representative stated it is going to be a shed to hold equipment. Ben Zehnder stated that what the shack will be used for is not a matter for the Commissioners and advised the language of the easement stating it will be a shack or fish shack.

The Commissioners inquired on how they chose the area for the path. The Representative stated that it is the path of least resistance without removing vegetation. The Commission Chair stated that 2 feet would not be appropriate for removing kayaks and fishing gear. The Representative stated that they would make

the path wider if requested and continued to discuss the path to the water with the Commissioners. Another Commissioner inquired to how the boats will be moved to the water. The Representative stated that they believe they would use a wheel cart but the Commissioners can condition how the boats are transported to the water. Another Commissioner inquired on the slope and the regulations stated that if the slope were steep enough, stairs would have to be considered. The representative stated that the applicant would come back for an Amendment if stairs were necessary.

The Commissioner inquired on the Tidal Creek, and the representative read the definition of a river to the Commissioners. The Representative stated that he feels this is a tidal ditch and not a tidal creek. The other Representative stated that he looked at a past plan that has this area and it is labeled as a ditch and stated the GIS Maps did not show a blue line indicating a river in the area.

The Conservation Agent discussed the river front area and stated where the river runs through the area. The Conservation Agent continued to discuss the river front area with the Representatives and Commissioners.

The Conservation Chair inquired on how the information will affect the filing, the Conservation Agent advised the Commissioners of the regulations, and the area would need to be considered a river front area. The Representative discussed the abutters and the riverfront not being an issue with past abutters filings with Conservation and continued to discuss the area and riverfront performance standards with the Commissioners.

The Commissioners discussed the buffer zone, watercraft needing to be stored outside the buffer zone, requesting an outside consultant and the continued request from the Commission to have all the wetlands delineated on the site-plans and this is the first time they all have been reflected on the site plan

The Conservation Agent stated how the Commissioners looks at each project and with possible different standards The Commissioners continue to discuss considering an elevated walkway, identifying wetlands, and verifying the ditch being a river front area with the Representatives.

TJ Hurry represented the abutters and discussed his clients opposing the project. The Abutters Representative discussed accessibility to the area, work proposed outside the right of way, the path to access town cove without permission from the Rossignols, overbearing the resource area with 5 to 7 property owners, legal property rights, title creek and RPA, and hiring an outside consultant with the Commissioners.

Mr. Simpson discussed the site plans being incomplete and the changes of the site plan with the Commissioners.

The Representative stated that the parcels that have access to the area are not large enough to be subdivide and continued to discuss a possible Condition stating any new residents that request to use the right of way, come in front of the Commission for approval.

The Commissioners continued to discuss getting a consultant, the river flowing for four days and proving the river has water flowing and suggested a continuation for 2 weeks.

The Representative requested a continuation until September 28, 2021.

Karen Strauss **MOVED** to continue until September 28, 2021. Janet Benjamins **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA

DURKIN - YEA

STRAUSS – YEA

WAGNER - YEA

FILIPOWSKI – YEA

Continuation of Amended Order of Conditions (SE 19-1762). Applicant proposes expanding existing truck access from First Encounter Beach to the Boat Meadow Aquaculture Development Area to include the months of June-September at property located at 1620 Samoset Road, Map 16, Parcel 012.

The Conservation Chair stated that the applicant requested a continuation until September 28, 2021.

Ed Cascarilla Chair of the Recreation Commission read a letter that was sent to the Town Administrator, Jacqueline Beebe.

Karen Strauss **MOVED** to continue until September 28, 2021. Charles Wagner **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

REGULATORY DETERMINATIONS

Request for Determination of Applicability filed by Michael B. Rivers and Sarah Stair. Applicant proposes water service connection at property located at 40 Teal Way, Map 17, Parcel 507.

The Conservation Agent stated that they are moling the water line and recommends approval under a negative determination of applicability for reason number 1.

Janet Benjamins **MOVED** to approve under a negative determination of applicability for reason number 1. Karen Strauss **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

ADMINISTRATIVE MATTERS

Extension Permit Request for SE 19-1593 for continued maintenance on a 140 linear feet of rock revetment and annual nourishment at property located at 5 Nan's Way, Map 07, Parcel 517.

The Conservation Agent discussed the extension permit request and stated it would be a three-year extension.

Janet Benjamins **MOVED** to approve a three-year extension. Karen Strauss **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

Continuation of Plan Change Request (SE 19-1811) Applicant proposes to eliminate a previously approved elevated platform and extend the existing at-grade walkway providing beach access at property located at 13 Nycoma Way, Map 10 Parcel 327.

Tim Brady represented the project, discussed removing the existing platform due to dune buildup, and described what is proposed to the Commissioners. A Commissioner inquired on the Representative not wanting to remove the platform or stairs due to disturbance during a prior meeting. The Representative stated that there would be no direct impact and offered to plant beach grass plugs. The Commissioner requested that any bare area, due to the removal of the stairs, have beach grass planted. The Representative agreed.

Janet Benjamins **MOVED** to approve. Karen Strauss **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA

DURKIN - YEA

STRAUSS – YEA

WAGNER - YEA

FILIPOWSKI – YEA

Administrative Review filed by Linda Ravesi. Applicant proposes to remove four trees at property located at 125 McKoy Road, Map 08, Parcel 295B.

Linda Ravesi represented her project and stated that the trees are within the 100-foot buffer, and are threatening to fall into the driveway and block the entrance to her property. The applicant would like to remove four trees but would be fine with just removing three trees. The Conservation Chair stated that the lot is well vegetated. Another Commissioner stated that the number 4 tree is outside the buffer, so the approval would be for the three trees. The Commissioner also stated they would like to see low bush blueberries for mitigation.

Karen Strauss **MOVED** to approve to remove the three trees located within the Conservation Jurisdiction and for two low bush blueberries be planted for each tree removed. Thomas Durkin **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA

DURKIN - YEA

STRAUSS – YEA

WAGNER - YEA

FILIPOWSKI – YEA

Administrative Review filed by Mike Leen. Applicant proposes to remove one tree at property located at 15 Bayland Way, Map 17, Parcel 760.

The Conservation Agent explained the proposed tree to be removed and stated that the tree is starting to pull up from the ground and recommends removing tree and stated that the lot is well vegetated but mitigation can be requested.

The Conservation Chair suggested low bush blueberries and asked if they could leave it up to the homeowner. The Conservation Agent stated that would be fine.

Thomas Durkin **MOVED** to approve the removal of the tree and mitigation of 2 bushes. Janet Benjamins **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA

DURKIN - YEA

STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

Administrative Review filed by Gretchen Price. Applicant proposes to remove one pitch pine at property located at 420 South Sunken Meadow Road, Map 04, Parcel 050.

The Conservation Agent advised the Commissioners of the proposed removal of a pitch pine and stated that it is located close to the deck. The Conservation Agent recommends removal.

The Conservation Chair requested two native fruit bushes for mitigation being.

Karen Strauss **MOVED** to approve the tree being removed with mitigation of two native fruit bushes. Thomas Durkin **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA
DURKIN - YEA
STRAUSS – YEA
WAGNER - YEA
FILIPOWSKI – YEA

Violations

Violation – 2300 State Highway - C. Bazzano, owner.

The Conservation Agent stated the violation and advised the Commissioners of the previous violation for this same area. The Conservation Agent stated that a resident of the area advised him who was doing the cutting, and it was the same resident, Gretchen Gau, from the previous violation. The Gau's Daughter represented them in the meeting. The Conservation Agent inquired on the concrete rubble and asked if it had been removed. The Representative stated that it has been removed. The Conservation Agent stated that he believes the rubble was put there to stop erosion. The Conservation Agent discussed the trees removed and stated it is a quarter to a half acre and is owned by the National Park Service. The Conservation Agent stated a letter was received from the National Seashore that stated the Town's GIS map is wrong and part of the property is owned by the National Seashore. The Conservation Agent stated that there would be a site visit and he was not sure if State/Federal Department will be at the site meeting and invited the Commissioners to attend.

The Representative inquired if this cutting was done behind her parents and was advised by the Conservation Agent where the cutting was done. The Conservation Agent stated the Ms. Bazzano contacted him and advised him that she did not cut down any trees. The Conservation Agent went over the area showing the GIS and the progression of the tree removals and stated he is still in the process of sorting out who did what.

The Commissioners inquired if the National Seashore cut down the trees, and was advised by the Conservation Agent that he believes they did not.

The Conservation Agent stated that during the onsite meeting tomorrow he would investigate the area.

Liaison Reports

The Conservation Commissioners discussed their Liaison Reports.

Education & Training Updates

The Conservation Commissioners discussed Education updates

Minutes

July 13, 2021

July 27, 2021

Thomas Durkin **MOVED** to approve. Charles Wagner **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA

DURKIN - YEA

STRAUSS – YEA

WAGNER - YEA

FILIPOWSKI – YEA

Other Discussion

The Commissioners discussed an upcoming work session, Conservation Funds, filing fees and the buffer zone.

Karen Strauss **MOVED** to adjourn. Janet Benjamins **SECONDED, ALL IN FAVOR.**

BENJAMINS - YEA

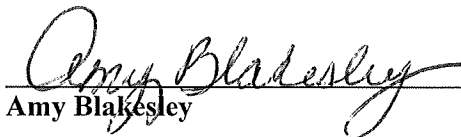
DURKIN - YEA

STRAUSS – YEA

WAGNER - YEA

FILIPOWSKI – YEA

Respectfully Submitted as prepared by,



Amy Blakesley



Sheila Filipowski, Chairman/Conservation Commission

The Video for this meeting can be found at <https://www.eastham-ma.gov/home/pages/demand-video-meetings-and-special-programs>.